IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1033 OF 2006

IN

APPEAL FROM ORDER NO.687 OF 2006

Mr.Basant Umarshi Shah .. Applicant

versus

Smt.Randulari wd/o Sitlaprasad

Tiwari & ors. .. Respondents

...

Mr.P.S.Dani for the applicant.

Mr.Nitin Gangal for respondent no.5A.

CORAM : D.G. KARNIK,J.

DATED : 27th February 2007.

P.C.:

1. Heard learned counsel for the applicant and respondent no.5A.

2. Counsel for the respondent no.5a states that the suit (L.C.Suit no.9713 of 1975) from which AO no.687 of 1987 arises has already been disposed of.

He therefore submits that the appeal against an interlocutory order from the said suit has become infructuous so as the civil application.

3. In view of this submission, learned counsel for the applicant seeks leave to withdraw the civil application with liberty to move the trial court/ appellate court to which the appeal may be filed for appropriate reliefs. Leave granted. Civil Application is disposed of as withdrawn with liberty as above.

D.G. KARNIK, J